

U.S.S.N. 09/661,773

Filed: September 14, 2000

## AMENDMENT IN VIEW OF BOARD'S DECISION

## Amendment

Claim 1. (Cancelled).

2. (Currently amended) ~~The A composition of claim 1 for the repair or~~  
augmentation of tissue in animal or human, comprising:  
a biocompatible, bioabsorbable fluid which comprises a polyhydroxyalkanoate which is  
injectable into a human or animal for repair or augmentation of tissue,

wherein the polyhydroxyalkanoate is a liquid or wax at a temperature between about 20  
and 25°C or wherein the polyhydroxyalkanoate is liquid at the body temperature of the animal.

Claim 3. (Cancelled).

4. (Currently amended) The composition of claim 1 ± 2 wherein the  
polyhydroxyalkanoate is a liquid at about 37°C.

5. (Currently amended) The composition of claim 1 ± 2 wherein the biocompatible  
fluid is a microdispersion of particles of the polyhydroxyalkanoate dispersed in a physiologically  
compatible liquid carrier.

6. (Original) The composition of claim 5 wherein the carrier is a second  
polyhydroxyalkanoate or an aqueous solution.

7. (Currently amended) The composition of claim 1 ± 2 wherein the particles have a  
diameter of less than about 500 µm.

8. (Original) The composition of claim 7 wherein the diameter is less than about 50  
µm.

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9. (Original) The composition of claim 8 wherein the diameter is less than about 5  $\mu\text{m}$ .
10. (Currently amended) The composition of claim 1 2 wherein the polymer derived from one or more monomers selected from the group consisting of 2-hydroxybutanoate, 3-hydroxyalkanoates, 3-hydroxyalkenoates, 4-hydroxyalkanoates, 4-hydroxyalkenoates, 5-hydroxyalkanoates, 5-hydroxyalkenoates, 6-hydroxyalkanoates, and 6-hydroxyalkenoates.
11. (Currently amended) The composition of claim 1 2 wherein the polyhydroxyalkanoate has a molecular weight of less than 100,000 as determined by gel permeation chromatography.
12. (Previously presented) The composition of claim 11 wherein the molecular weight is less than 50,000 as determined by gas permeation chromatography.
13. (Currently amended) The composition of claim 1 2 having a viscosity of between about 1 and 100,000 cP.
14. (Original) The composition of claim 13 having a viscosity of between about 1 and 10,000 cP.
15. (Currently amended) The composition of claim 1 2 further comprising a bioactive agent.
16. (Currently amended) The composition of claim 1 2 further comprising a peptide or protein.

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17. (Currently amended) The composition of claim 1 2 wherein the polyhydroxyalkanoate is amorphous.

29. (Currently amended) A composition suitable for use in the treatment of osteoarthritic knees comprising:

a biocompatible, bioabsorbable fluid which comprises a polyhydroxyalkanoate, wherein the composition is suitable for use as a viscosupplement,

wherein the polyhydroxyalkanoate is a liquid or wax at a temperature between about 20 and 25°C or wherein the polyhydroxyalkanoate is liquid at the body temperature of the animal.

30. (Canceled)

31. (Currently amended) A kit comprising

(a) the composition of claim 1 2; and

(b) a means for delivering the composition to a patient.

32. (Original) The kit of claim 31 wherein the means for delivering comprises a needle and a syringe.